

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

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ATTORNEYS FOR DEBTOR

In re:

LTL MANAGEMENT LLC,¹

Debtor.

Chapter 11

Case No.: 23-12825 (MBK)

Judge: Michael B. Kaplan

Hearing Date and Time:

June 27, 2023 at 9:00 a.m.

**DEBTOR'S RESPONSE TO TCC'S OBJECTIONS
TO DEBTOR'S DEPOSITION DESIGNATIONS FOR ANDREW BIRCHFIELD**

LTL Management LLC, the above-captioned debtor (the "Debtor"), files this response to the Official Committee of Talc Claimants' (the "TCC") objections to the Debtor's

¹ The last four digits of the Debtor's taxpayer identification number are 6622. The Debtor's address is 501 George Street, New Brunswick, New Jersey 08933.

designations of portions of Andrew Birchfield's May 30, 2023 deposition. The following chart provides the Debtor's designation, the TCC's objection, and the Debtor's response.

Debtor's Designations	TCC Objections	Debtor's Response
16:6-11		
17:5-17		
18:20-19:22	Hearsay Best evidence Document not admitted	<ul style="list-style-type: none"> • The document asked about (Deposition Ex. 1) is Exhibit 175 on Debtor's Exhibit List, which the TCC has not objected to. • Deposition Ex. 1 is a party admission, and, therefore, a hearsay objection is inapplicable. • The Best Evidence Rule is also inapplicable because the contents is not in dispute.
22:3-23:13		
23:15-25		
24:3-17		
25:11-16		
25:23-26:3	Hearsay Document not admitted Attorney Work Product	<ul style="list-style-type: none"> • This questioning also covers Deposition Ex. 1, which is Exhibit 175 on Debtor's Exhibit List, and the TCC has not objected to. • Deposition Ex. 1 is a party admission, and, therefore, a hearsay objection is inapplicable. • Nothing in this designation is privileged.
26:8-13		
26:15-27:16		
28:3-20		
32:15-18	Hearsay Document not admitted	<ul style="list-style-type: none"> • This questioning also covers Deposition Ex. 1, which is Exhibit 175 on Debtor's Exhibit List, and the TCC has not objected to. • Deposition Ex. 1 is a party admission, and, therefore, a hearsay objection is inapplicable.
33:8-25		
35:19-24	Attorney Work Product	<ul style="list-style-type: none"> • Nothing in this designation is privileged. • This designation only covers attorney's question.
36:13-38:3		
38:10-12	Attorney Work Product Attorney Client Privilege	<ul style="list-style-type: none"> • Nothing in this designation is privileged. • This designation only covers attorney's questions and objections.
38:16-23		
47:5-9	Foundation Hearsay Best Evidence Document not Admitted	<ul style="list-style-type: none"> • The document asked about (Deposition Ex. 2) is Exhibit 172 on Debtor's Exhibit List, which the TCC has not objected to. • Deposition Ex. 2 is a party admission, and, therefore, a hearsay objection is inapplicable. • The Best Evidence Rule is also inapplicable because the contents is not in dispute. • Questioner established Birchfield's personal knowledge sufficient to answer and the foundational objection is unsupported.
47:19-25		
48:12-48:23		

Debtor's Designations	TCC Objections	Debtor's Response
48:23-49:5 51:25-52:14	Foundation Incomplete Hypothetical	<ul style="list-style-type: none"> • Questioner established Birchfield's personal knowledge sufficient to answer and the foundational objection is unsupported. • Proper foundation was given for questioning.
54:3-55:12 55:23-56:14	Foundation Hearsay Attorney Work Product Assumes facts not in evidence	<ul style="list-style-type: none"> • Nothing in this designation is privileged. • Deposition Ex. 2 is a party admission, and, therefore, a hearsay objection is inapplicable. • Questioner established Birchfield's personal knowledge sufficient to answer, and the foundational objection is unsupported.
60:13-20 61:5-11	Foundation Hearsay Attorney Work Product Assumes facts not in evidence	<ul style="list-style-type: none"> • Nothing in this designation is privileged. • Deposition Ex. 2 is a party admission, and, therefore, a hearsay objection is inapplicable. • Questioner established Birchfield's personal knowledge sufficient to answer, and the foundational objection is unsupported. •
61:22-62:2 62:7-12 62:15-18 62:21-24	Attorney Client Privilege Attorney Work Product	<ul style="list-style-type: none"> • Nothing in this designation is privileged. • The examiner asks the witness if he is refusing to answer based on privilege instruction. • The only testimony provided by the witness is that he refuses to answer.
63:3-6 63:12-15	Attorney Client Privilege Attorney Work Product	<ul style="list-style-type: none"> • Nothing in this designation is privileged. • The examiner asks the witness if he is refusing to answer based on privilege instruction. • The only testimony provided by the witness is that he refuses to answer.
68:18-69:3		
71:23-74:2 74:4-10	Speculation Hypothetical	<ul style="list-style-type: none"> • Proper foundation was given for questioning.
88:4-20		
89:14-91:7 92:14-94:16 94:18-19 95:2-5	Foundation Best Evidence Document not Admitted Attorney Work Product Rule 408 Offer to Compromise	<ul style="list-style-type: none"> • The document asked about (Deposition Ex. 5) is Exhibit 176 on Debtor's Exhibit List, which the TCC has not objected to. • Deposition Ex. 5 is a party admission, and, therefore, a hearsay objection is inapplicable. • The Best Evidence Rule is inapplicable because the contents is not in dispute. • Questioner established Birchfield's personal knowledge sufficient to answer and the foundational objection is unsupported. • The examiner did not reveal any Rule 408 communication.

Debtor's Designations	TCC Objections	Debtor's Response
97:11-18		
99:6-20	Attorney Work Product Rule 408 Offer to Compromise Misstates Prior Testimony	<ul style="list-style-type: none"> • Nothing in this designation is privileged. • The examiner did not reveal any Rule 408 communication. • Prior testimony was not misstated.
100:11-101:11		
101:20-102:6		

Dated: June 26, 2023

WOLLMUTH MAHER & DEUTSCH LLP

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